REMARKS

Claims 1-15 are pending in this application, of which claims 1, 9 and 15 are independent. Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The specification, as well as claims 1 and 9, have been amended as suggested by the examiner to correct a number of informalities. Withdrawal of the objections to the specification and the claims is respectfully requested.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bowler et al. (U.S. 5,335,540).

Claim 1, as amended, recites a tire condition monitoring apparatus that includes a controller that judges whether or not the life of the battery is ending, the judgment being "performed in accordance with a comparison of the voltage-related value that varies in accordance with the voltage of the battery with a voltage-related reference value that is based at least in part on the temperature in the tire."

Bowler discloses a tire monitoring apparatus that includes tire units, each mounted to a tire of a vehicle, and a receiver unit mounted inside a cab portion of the vehicle. [Abstract]. Each tire unit includes measurement circuitry that acquires data relating to operating parameters monitored by a temperature sensor circuit and a pressure sensor circuit, and acquires data relating to operating parameters of the measurement circuit through a battery interface circuit and a reference voltage circuit. [col. 11, lines 10-15]. The measurement circuit samples each individual operating parameter, performs an analog-to-digital conversion, and dispatches digital values representing the measured operating parameters in a serial steam of data. [col. 11, lines 15-20].

The examiner asserts that Bowler teaches the controller of claim 1 at col. 17, lines 13-27 and lines 31-55, stating:

> [T]he judgment regarding the life of the battery is performed [sic] in accordance with a comparison of the voltage related value with a reference value that is based at least in part on the temperature in the tire (Ram includes big temperature change flag register 411 to determine whether or not the rate of change of

temperature is greater than a pre-defined value). [Office Action, page 3, lines 9-13].

The applicant has reviewed Bowler (including the teachings of the cited portions) and disagrees with the examiner's assertion. No where does Bowler disclose or suggest judging the life of a battery by comparing a "voltage-related value that varies in accordance with the voltage of the battery with a voltage-related reference value that is based at least in part on the temperature in the tire" as recited in claim 1. At most, Bowler discloses judging the life of a battery by comparing the measured battery voltage value with the contents of a battery voltage difference register that contains a value corresponding to the minimum allowable battery voltage. [col. 17, lines 14-18, lines 42-44] In other words, the measured battery voltage value is compared with a predetermined voltage threshold value that does not vary based on the sensed temperature of the tire.

In the portions of Bowler cited by the examiner, Bowler discloses a number of comparison routines. One comparison routine, as pointed out by the examiner, is used to determine whether the rate of change of temperature is within a pre-defined range of a pre-defined rate of change. This comparison routine compares a later acquired temperature value with an earlier acquired temperature value, determines whether the difference between the acquired temperature values is greater than the dT/dt limit stored in a dT/dt limit register, and if so, sets a big temperature change flag by storing a flag value in the big temperature change register. At no point is a comparison made between a voltage-related value that varies in accordance with the voltage of the battery and a voltage-related reference value that is based at least in part on the temperature in the tire. At most, comparisons are made between two temperature values that are based on the temperature in the tire at two different times.

For at least these reasons, the applicant respectfully submits that claim 1 and its dependents are in condition for allowance.

The foregoing remarks also apply to independent claims 9 and 15, which have corresponding limitations, and the claims that depend from claim 9.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons supporting patentability that have not been expressed. Finally, nothing in this paper should be construed as conceding any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily concede that the claim was unpatentable prior to its amendment.

Enclosed is a $120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/11/05

Mandy Jubang
Reg. No. 45,884

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906